

**MEMORANDUM OF AGREEMENT
BETWEEN THE VILLAGE OF BLACK EARTH AND
GROUNDSWELL CONSERVANCY, INC.**

This Agreement is made this 1st day of June, 2021 by and between the Village of Black Earth, a Wisconsin municipal corporation (hereinafter the "Village") and Groundswell Conservancy, Inc., a Wisconsin non-stock corporation (hereinafter the "Conservancy").

WHEREAS, the ~1.3-acre Cooper Tracts (hereinafter the "Property" and generally depicted on the attached Exhibit A) are located adjacent to the Black Earth Creek and have the potential to provide public open space along the Creek and a point of access to the Creek for boaters and fishers;

WHEREAS, the Property is adjacent to public lands owned and managed by the Wisconsin Department of Natural Resources as the Black Earth Creek Fishery Area, the goals of which include the protection of water quality by reducing erosion and run-off and the improvement of habitat and fishing opportunities;

WHEREAS, the Property is close to the boundary of the Dane County Black Earth Creek Natural Resource Area, the goals of which include the acquisition of lands that allow for low-impact, nature-based outdoor recreation development and use of natural resources;

WHEREAS, the goal of improving access to the Creek is included in the Village's Comprehensive Outdoor Recreation Plan (originally approved May 1994 and amended August 2016 and April 2021);

WHEREAS, the Property owner has expressed interest is interested in selling the Property to the Conservancy and Village for conservancy purposes;

WHEREAS, the Village and the Conservancy desire to work cooperatively in order to complete the acquisition of the Property as part of the Village's park system;

WHEREAS, the Village and the Conservancy desire and intend to set forth the more specific terms under which they propose to cooperatively acquire the Property.

NOW THEREFORE, the Village and the Conservancy agree as follows:

GENERAL AGREEMENT

1. The Conservancy agrees to attempt to acquire the Property on behalf of the Village, including by the commissioning of an appraisal of the fair market value of the Property,

obtaining a legal description of the Property, commissioning a Phase I Environmental Hazards Assessment of the Property, ordering a title commitment for the Property, and obtaining a purchase agreement with the Landowner.

2. The Conservancy agrees to attempt to secure acquisition funds to purchase the Property from the Knowles-Nelson Stewardship Program, the Dane County Conservation Fund, and/or other sources.

3. The Village and the Conservancy acknowledges that upon acquisition, the Property will be encumbered by deed restrictions to ensure that the Property is used only for conservation purposes.

4. If the Conservancy is successful at acquiring the Property, the Village agrees to accept donation of the Property, to remove buildings from the Property, and to prepare the Property for use as a public park and Creek access, including by preparation of a Land Management Plan.

5. Should the Village erect a sign on the Property regarding the name or other designation of the Property as part of the Village's park system, the Village agrees to include the logo of Groundswell Conservancy on the sign.

6. The Village and Conservancy agree to endeavor to complete the transactions identified in this Memorandum of Agreement by December 1, 2021.

7. This Memorandum of Agreement may be amended at any time by the agreement of both parties.

